

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

March 19, 2009

5:30 P.M.

MINUTES

Present: Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

Absent: Mayor Donald Kasprzak

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED: that the Minutes of the regular meeting of the Common Council held on March 12, 2009 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Carpenter; Seconded by Councilor Valentine

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 18, 2009 in the amount of **\$229,195.80** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS

- Report of Fire and Ambulance Responses for the week of March 12-18, 2009
- Report from the Building Inspector's Office from January 12 – March 16, 2009
- Report from the Library of cash receipts for the month of February 2009

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

4. AUDITS OF CLAIMS

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the

amount of \$2,324,985.47 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Valentine
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

5. PERSONS ADDRESSING COUNCIL

Peg McCartney of 138 Beekman Street said that the Farmer's Market can not cover them under their insurance for the Earth Day event. We could take out a one day insurance coverage policy. McCartney said they have a lot of businesses involved. She asked that the Council support the Earth Day event.

6. OTHER ITEMS

A. Request from the City Clerk that various fees administered through the City Clerk's Office are increased effective April 1, 2009 in accordance with the attached fee schedule.

RESOLVED: In accordance with the request therefore the Common Council approves for the various fees administered through the City Clerk's Office to be increased effective April 1, 2009 in accordance with the attached fee schedule.

By Councilor Valentine; Second by Councilor Jackson
Discussion: None
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. Request from MLD to write-off unpaid final bills from May 1, 2008 to May 31, 2008 in the total amount of \$6,808.88.

RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from May 1, 2008 to May 31, 2008 in the total amount of \$6,808.88.

By Councilor Carpenter; Second by Councilor Kelly
Discussion: None
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. Request from the Earth Day Committee to use the Farmer's Market building on April 25, 2009 as a venue for local foods, crafts, and Earth friendly activities and as a location for a music concert.

RESOLVED: In accordance with the request therefore the Common Council approves the Earth Day Committee to use the Farmer's Market building on April 25, 2009 as a venue for local foods, crafts, and Earth friendly activities and as a location for a music concert.

By Councilor Kelly; Second by Councilor Jackson

Discussion:

Councilor Carpenter asked Corporation Counsel Clute what options they have.

Corporation Counsel Clute said the facility is insured under the City. The reason we require insurance for other people when they use City property is because it spreads the risk. If some gets hurt due to negligence of others and not the City we require insurance so that the City is possibly not the only one at fault. Clute said when we get into the issue of policy which we don't have to we have to think of everything like groups using the Community Room, holding wedding ceremony at the park etc.

Councilor Kelly proposed an amendment to the resolution. See attached sheet.

By Councilor Kelly; Second by Councilor Carpenter

Discussion:

Councilor Rabideau said there are many organizations that have used City streets; parking lots etc and we require insurance. It is hard to make an exception for just one organization.

Councilor Kelly said Councilor Rabideau has a right to be concerned but we make plenty of exceptions. Kelly meets once a month with the Green Committee in the Community Room and the stipulation is that he has to be there.

Councilor Carpenter said lets say we allow this to happen with out insurance and let others would that have a fiscal impact on us.

Chamberlain Richard Marks said it depends on the situation.

Councilor Valentine said they need to find out what one day coverage would cost. Valentine said that is something they should have known tonight to make a good decision.

Corporation Counsel Clute agrees with what Marks said on how insurance works. It is important to look at all this and understand it. However the issue needs to be decided soon due to the closeness of the event date. There needs to be coverage. We need to figure to how to deal with people who are not organized into a legal entity when it comes to using City property and coverage. Clute recommends that the original resolution be passed on terms that the insurance problem will be resolved by the event date.

Councilor Kelly said that Councilor calnon sent an email saying we might table it tonight and figure out the insurance issue. Kelly doesn't think that's a bad idea.

ACTION TAKEN: Withdrawn

Councilor Rabideau said the resolution doesn't say anything about insurance being required.

Councilor Carpenter makes a motion to amend the resolution to include that insurance is required. "In accordance with the request therefore the Common Council approves the Earth Day Committee to use the Farmer's Market building on April 25, 2009 as a venue for local foods, crafts, and Earth friendly activities and as a location for a music concert contingent on meeting the City's insurance requirements."

By Councilor Carpenter; Second by Councilor Rabideau
Discussion:

Councilor Jackson said it's already implied.

Councilor Calnon said yes but let's be explicit, it's implied.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves the Earth Day Committee to use the Farmer's Market building on April 25, 2009 as a venue for local foods, crafts, and Earth friendly activities and as a location for a music concert contingent on meeting the City's insurance requirements.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. Request from the Bishop's Apostles for life to use 4 or 5 parking spaces at 66 Brinkerhoff Street for approximately 100 people who will be attending a prayer service on Friday April 10, 2009 from 9:30 a.m. to 11:30 a.m.

RESOLVED: In accordance with the request therefore the Common Council approves the Bishop's Apostles for life to use 4 or 5 parking spaces at 66 Brinkerhoff Street for approximately 100 people who will be attending a prayer service on Friday April 10, 2009 from 9:30 a.m. to 11:30 a.m.

By Councilor Carpenter; Second by Councilor Jackson
Discussion:

Councilor Kelly said he railed against them last year and will support the use of spaces this year but asks that they consider moving their service so it is not in front of Planned Parenthood so women who go there who need inexpensive healthcare don't have to be confronted.

Councilor Valentine said she works at Planned Parenthood and believes in its mission of providing reproductive healthcare to women. Valentine said she will allow the Bishop's Apostle for life to use the spaces because she also believes in protesting what you believe is injustices.

Councilor Rabideau said he agrees with the right to protest and wishes they find another place to

protest. However he will not support the use of parking spaces to be consistent like voting no to Irises using parking spaces for the sake of safety.

Councilor Calnon said he will support the spots even though he did not last year. Calnon continues to resolve his issues with separation of church and state. There is no decision in court that really speaks directly to the issue. Calnon believes in the freedom of speech.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative except Councilor Rabideau voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

E. Request from Fire Chief Paul Williams for the Mayor to sign a Training Director Agreement with Dan Collins.

RESOLVED: In accordance with the request therefore the Common Council approves the Mayor to sign a Training Director Agreement with Dan Collins.

By Councilor Valentine; Second by Councilor Jackson
Discussion:

Councilor Valentine said she needs to table this.

By Councilor Valentine; Second by Councilor Carpenter

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Tabled

Follow up Action: None

F. Request from Police Chief Desmond Racicot to transfer the task of issuing handicapped parking permits to the office of the City Clerk.

RESOLVED: In accordance with the request therefore the Common Council approves Police Chief Desmond Racicot to transfer the task of issuing handicapped parking permits to the office of the City Clerk.

By Councilor Carpenter; Second by Councilor Kelly
Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. THE MAYOR HANDS DOWN THE APPOINTMENT OF COMMISSIONER FOR THE PLATTSBURGH HOUSING AUTHORITY BOARD TO SHIRLEY O'CONNELL EFFECTIVE APRIL 6, 2009 AND THE TERM WILL EXPIRE ON APRIL 6, 2014.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

TRAVEL REQUESTS

A. Request from Police Chief Desmond Racicot for Captain Michael Branch to attend the “Maglocen-2009 Officer Safety & Criminal Intelligence Resources Conference” in Indianapolis, IN from April 6-9, 2009 at a cost not to exceed \$423.00.

RESOLVED: In accordance with the request therefore the Common Council approves Captain Michael Branch to attend the “Maglocen-2009 Officer Safety & Criminal Intelligence Resources Conference” in Indianapolis, IN from April 6-9, 2009 at a cost not to exceed \$423.00.

By Councilor Carpenter; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. Request from Fire Chief Paul Williams to attend the New York State Career Chiefs Meeting in Rochester, NY on March 24, 2009 at a cost not to exceed \$300.00.

RESOLVED: In accordance with the request therefore the Common Council approves Fire Chief Paul Williams to attend the New York State Career Chiefs Meeting in Rochester, NY on March 24, 2009 at a cost not to exceed \$300.00.

By Councilor Valentine; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

7. RESOLUTIONS FOR INITIAL CONSIDERATION

- 1.** Request from Laura Carmichael to hold the Autism Awareness Walk at the US Oval on Sunday April 19, 2009 by closing the inside lane from traffic in which the walkers will be finished by noon.
- 2.** Request from the City Engineer to have the Mayor sign the Standard Federal Aid Highway Local Agreement for the Construction/Inspection Phase work for the Oak Street & North Catherine Street construction projects.
- 3.** Request from Peter Allen for the approval of a private right-of-way for his development off US Oval.

4. Request from NYS DOT:

WHEREAS, the New York State Department of Transportation proposes to reconstruct the Traffic Signals at two locations in Plattsburgh, Route 22; Boynton Avenue & North Catherine Street and Route 22; Boynton Avenue & Oak Street, City of Plattsburgh, PIN 7804.39 and

WHEREAS, the State will include as part of the construction, reconstruction, or improvements of the above mentioned project the construction of sidewalks on Route 22; Boynton Avenue & North Catherine Street, pursuant to Section 349-c of the Highway Law and

WHEREAS, the State will provide for the construction of the above mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE,

BE IT RESOLVED: That the City of Plattsburgh approves the construction of sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the City of Plattsburgh will maintain or cause to be maintained the relocated, reconstructed and/or constructed sidewalks performed as above stated and as shown on the contract plans, including the control of snow and ice.

BE IT FURTHER RESOLVED: That the Clerk of this Board is hereby directed to transmit four (4) certified copies of the foregoing resolution to: New York State Department of Transportation, 317 Washington Street, Watertown, New York 13601, Attn: Timothy J. Vreatt.

8. NEW BUSINESS

None

9. CLOSING PUBLIC COMMENTS

Laura Carmichael from the Autism walk said that they have insurance

Mary Ellen Cleveland of 59 Prospect Avenue said she was a part of the Bishop's Apostles for life and wants to if they are going to get the spaces because last year the Council voted to give the spaces and they didn't get them. Every one bent over backwards for the Phelps protesters. Cleveland said they don't want any confrontation so they feel if they have the spaces there won't be. Cleveland wants to know why Councilor Valentine didn't excuse her self from the vote because she is employed there.

Councilor Valentine said she voted for the use of the parking spaces and could have excused her self but she didn't see any conflict of interest. She has her own opinion and she thought she stated that quite well.

Mary Ellen Cleveland said she didn't understand.

Councilor Calnon said that the state legislature says they are only to abstain themselves if they or an immediate family member have any financial ties.

Mary Ellen Cleveland said she understands women's reproductive health but she also understands that tax money goes to this "issue." She said you know what the issue is. She is passionate about unborn children. She is against abortion.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Kelly
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 6:30p.m.